IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 7356 of 2005**

Between:

P. Vasudevulu , S/o. Jagannadham,
in Hyderabad District Cooperative Central Bank Limited, Medchal Branch,
Ranga Reddy District.

**..... PETITIONER**

AND

1 The Commissioner Of Cooperation and Registrar of Cooperative Societies, Govt. of A.P, Gruhakalpa Complex, Nampally, Hyderabad.
2 The General Manager, Hyderabad District Cooperative Central Bank Ltd., Station Road, Nampally, Hyderabad.
3 The Asst. General Manager, Enquiry Officer, Hyderabad District Co- Op. Central Bank Ltd., Kukatpally Branch, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ , order or direction more particularly one in the nature of writ of Mandamus , declaring the action of the respondents in proceeding with the enquiry without furnishing the documents asked for and summoning of witnesses vide representation dt. 26-3-2005 as being arbitrary , illegal , unreasonable and in gross violation of principles of natural justice and issue a consequential direction directing the respondents to furnish the documents asked for and summon the witnesses in the representation on dated 26-3-2005 and proceed further with the enquiry.

**Counsel for the Petitioner: MR.K.S.MURTHY**

**Counsel for the Respondent No.1: GP FOR COOPERATION**

**Counsel for the Respondents No.2 & 3: Mr.R.Radhakrishna Murthy**

**The Court at the stage of admission made the following :**

**ORAL ORDER**:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in proceeding with the enquiry without furnishing the documents asked for and summoning the witnesses vide representation, dated 26.3.2005 as illegal and arbitrary.

Heard the learned counsel for the petitioner, the learned Government Pleader for Cooperation for the 1st respondent and the learned standing counsel for the 2nd and 3rd respondents and perused the material on record.

There cannot be any dispute that in the departmental enquiry, the Enquiry Officer or the disciplinary authority has to serve the copies of the documents, which the department intends to rely on in the departmental enquiry. The grievance of the petitioner is that copies of documents have not been furnished and the witnesses were not summoned as per his representation, dated 26.3.2005. Inasmuch as the witnesses on behalf of the department have not been examined, the question of summoning the defence witnesses does not arise.

Therefore, without entering into the merits of the case, I consider it appropriate to direct the 2nd and 3rd respondents to furnish the copies of the documents which they rely on behalf of the department

for framing charges before commencing the departmental enquiry, and the question of summoning the defence witnesses arises only after examination of the witnesses on behalf of the department. Therefore, after the examination of witnesses on behalf of the department is over, the petitioner can make a representation to summon the defence witnesses. It is also made clear that the petitioner shall cooperate with the Enquiry Officer.

With the above direction, the writ petition is disposed of. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

5th April, 2005

bcj

To

1 The Commissioner Of Cooperation and Registrar of Cooperative Societies, Govt. of A.P, Gruhakalpa Complex, Nampally, Hyderabad.
2 The General Manager, Hyderabad District Cooperative Central Bank Ltd., Station Road, Nampally, Hyderabad.
3 The Asst. General Manager, Enquiry Officer, Hyderabad District Co- Op. Central Bank Ltd., Kukatpally Branch, Hyderabad.

4 Two C.Cs. to the Government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT)

5 Two C.D. copies